

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KEITH MILES,
JOSEPH HUTT,
JOSHUA MCCLUSKY,
Individually,
Plaintiffs,

v.

PEPSICO; BOTTLING GROUP, LLC;
BOTTLING GROUP, LLC dba
PEPSI BEVERAGES COMPANY;
NEW BERN TRANSPORTATION
CORPORATION, Individually, and as a
subsidiary of PEPSICO, INC.,
SUPERVISOR TIM DORGAN,
Individually and his Official Capacity;
SUPERVISOR KEITH BROWN,
Individually and his Official Capacity,
and Does 1 through 100,

Defendants.

CIVIL ACTION NO.: 5:20-CV-1591 (FJS/TWD)

Hon. Frederick J. Scullin, Jr., U.S.D.J.

AGREED STIPULATION OF DISMISSAL

Upon stipulation of the parties, KEITH MILES (“Miles”), JOSEPH HUTT (“Hutt”), and JOSHUA MCCLUSKY (“McClusky”) (Miles, Hutt, and McClusky together, “Plaintiffs”) and PEPSICO, INC. (“PepsiCo”), BOTTLING GROUP, LLC (“Bottling Group”), NEW BERN TRANSPORT CORPORATION (“New Bern”), THE ESTATE OF TIM DORGAN (“Dorgan”), and KEITH BROWN (“Brown”) (PepsiCo, Bottling Group, New Bern, Dorgan, and Brown together, “Defendants”) (Plaintiffs and Defendants together, the “parties” and each individually a “party”),

IT IS HEREBY ORDERED that the above-entitled action, together with all claims that any party has or may have against any party is hereby DISMISSED WITH PREJUDICE. The

Parties also agree and stipulate and it is ORDERED that each party is responsible for its own costs and attorneys' fees incurred as a result of this action and that all rights of appeal are hereby waived.

The parties stipulate that no party hereto is an infant or incompetent.

Entry of this order resolves all pending claims and closes the case.



Date: August 29, 2023

Honorable Frederick J. Scullin, Jr
Senior United States District Court Judge

Respectfully submitted,

By: Jesse P. Ryder
Jesse P. Ryder
NY Bar No. 3923190
RYDER LAW FIRM
6739 Myers Road
East Syracuse, NY 13057
Telephone: (315) 382-3617
Facsimile: (315) 295-2502
Email: ryderlawfirm@gmail.com

And

Charles A. Bonner
CA Bar No. 85413
(Admitted Pro Hac Vice)
A. Cabral Bonner
CA Bar No. 247528
(Admitted Pro Hac Vice)
Law Offices of Bonner & Bonner
475 Gate Five Rd., Suite 211
Sausalito, CA 94965
Telephone: (415) 331-3070
Facsimile: (415) 331-2738
Email: cbonner799@aol.com
Email: cabral@bonnerlaw.com

ATTORNEYS FOR PLAINTIFFS

By: /s/ Alison R. Ashmore
Alison R. Ashmore
Texas State Bar No. 24059400
(Admitted Pro Hac Vice)
DYKEMA GOSSETT, PLLC
1717 Main Street, Suite 4200
Dallas, Texas 75201
Telephone: (214) 462-6400
Facsimile: (214) 462-6401
Email: AAshmore@dykema.com

And

SCHRÖDER, JOSEPH & ASSOCIATES, LLP

Ginger D. Schröder
NY Bar No. 2398246
Linda H. Joseph
NY Bar No. 1594142
392 Pearl Street, Suite 301
Buffalo, New York 14202
Telephone: (716) 881-4901
Facsimile: (716) 881-4909
Email: gschröder@sjalegal.com
Email: ljoseph@sjalegal.com

And

DYKEMA GOSSETT PLLC

Bonnie Mayfield Early
Michigan State Bar No. P40275
(Admitted Pro Hac Vice)
39577 Woodward Ave., Suite 300
Bloomfield Hills, MI 48304
Telephone: (248) 203-0851
Facsimile (855) 245-0194
Email: bmayfield@dykema.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of August, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF electronic filing system.

By: Jesse P. Ryder